Docket 80606PRC
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	Group Art Unit: 2621
James E. McGarvey	Examiner: Heather R. Jones
A VENUE CUSTOMIZABLE WHITE BALANCE DIGITAL CAMERA SYSTEM	I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
	Paula West
	Paula West
Serial No. 09/759,475	_7-17-06_
	Date
Filed January 12, 2001	

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA. 22313-1450

Sir:

APPEAL BRIEF TRANSMITTAL

Enclosed herewith is Appellants' Appeal Brief for the above-identified application.

The Commissioner is hereby authorized to charge the Appeal Brief filing fee to Eastman Kodak Company Deposit Account 05-0225. A duplicate copy of this letter is enclosed.

Respectfully submitted,

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Enclosures

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

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In re Application of

Inventor(s):
 James E. McGarvey

Title:
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I hereby certify that this correspondence is being deposited today with the United States Postal Services as first class mail in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria VA 22313-1450

Name: Paula West

Date: 7.17.06

July 14, 2006

APPEAL BRIEF PURSUANT TO 37 C.F.R. 41.37 and 35 U.S.C. 134

Table of Contents

APPELLANT'S BRIEF ON APPEAL

Appellant hereby appeals to the Board of Patent Appeals and Interferences from the non-final rejections of claims 1-4, 6, 9, 12-21, 27-30 and 32 under 35 U.S.C. §103(a) as set forth in the Office Action dated January 11, 2006. A timely Notice of Appeal was filed responsive to the January 11, 2006 Office Action and was received by the U.S. Patent and Trademark Office on April 17, 2006. The non-final rejections of claims 1-4, 6, 9, 12-21, 27-30 and 32 were made final in a subsequent Office Action dated June 16, 2006.

Real Party in Interest

The present application is assigned of record to Eastman Kodak Company. The assignee Eastman Kodak Company is the real party in interest.

Related Appeals and Interferences

No appeals or interferences are known which will directly affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

Status of Claims

The present application was filed on January 12, 2001, with claims 1-32. Claims 5, 7, 8, 10, 11, 22-26 and 31 have been canceled. Claims 1-4, 6, 9, 12-21, 27-30 and 32 remain pending. Claims 1, 15, 21, 27-29 and 32 are the pending independent claims.

Each of claims 1-4, 6, 9, 12-21, 27-30 and 32 stands at least twice rejected under 35 U.S.C. §103(a). Claims 1-4, 6, 9, 12-21, 27-30 and 32 are appealed.

Appendix I provides a clean, double spaced copy of the claims on appeal.

Status of Amendments

No amendment has been filed subsequent to the appealed rejections.

Summary of Claimed Subject Matter

Independent claim 1 is directed to a white balance picture correction process implemented in a digital camera having a processor, a memory and a user interface. In an illustrative embodiment, digital camera 12 shown in FIG. 1 includes a white balance

memory 36 and a user interface comprising color LCD image display 21 and user buttons 22. See the specification at page 4, lines 14-16, and page 5, lines 7-29.

The white balance picture correction process as recited in claim 1 includes the steps of determining a white balance digital camera processing setting for a picture taking venue at a visit to the venue, saving the setting for the venue, and correcting pictures taken at a subsequent visit to the venue with the saved setting. In addition, the determining step further comprises capturing an image utilizing the digital camera and processing the captured image in the processor of the digital camera to determine the white balance setting. Also, the saving step further comprises storing the white balance setting in the memory of the digital camera in a file having an identifier which allows a user of the digital camera to correlate the identifier with the venue. The claim further specifies that the memory is configurable to store the determined white balance setting and at least one additional white balance setting for another picture taking venue, with the determined white balance setting being selectable from the plurality of stored white balance settings, for use in the correcting step, via the user interface of the digital camera.

An illustrative embodiment of the recited process is shown in the flow diagram of FIG. 3. In this embodiment, white balance settings for N different venues are determined during visits to the respective venues, and stored in a memory of the digital camera 12 in association with respective file names, which may be the names of the respective venues. Upon a subsequent visit to a given one of the N venues, the user selects the appropriate file name in step 126, the camera reads the previously-stored white balance settings for that venue in step 128, and those setting are used to correct images captured at the given venue, as indicated in steps 130 and 132. See the specification at page 7, line 3, to page 8, line 3.

In the invention as set forth in claim 1, white balance settings for respective picture taking venues are stored in the memory, using file identifiers which facilitate selection of a particular one of the stored white balance settings upon a return visit to the corresponding venue. One advantage of this approach is that white balance settings do not have to be recomputed each time a photographer visits a given venue. See the specification at, for example, page 5, lines 15-29.

Independent claim 15 is directed to a process implemented in a digital camera having a processor, a memory and a user interface. Again, an illustrative embodiment of the digital camera is digital camera 12 of FIG. 1, as discussed above. The process includes the steps of determining an image processing setting for a picture taking venue, and saving the setting for the venue. The claim specifies that the determining step comprises capturing an image utilizing the digital camera and processing the captured image in the processor of the digital camera to determine the image processing setting, and that the saving step comprises storing the image processing setting in the memory of the digital camera in a file having an identifier which allows a user of the digital camera to correlate the identifier with the venue. The memory is configurable to store the determined image processing setting and at least one additional image processing setting for another picture taking venue, with a particular one of the image processing settings being selectable from the plurality of stored image processing settings, for use in correcting one or more additional captured images, via the user interface of the digital camera. An illustrative embodiment of the process can be seen in steps 102 through 132 of the flow diagram of FIG. 3. See the specification at page 7, line 3, to page 8, line 3.

Independent claim 21 is directed to a process, and includes the steps of determining, in a digital camera, image processing settings for picture taking venues during initial visits to the venues using a reference card placed in a scene at the venues, assigning file name identifiers to the settings via a user interface of the digital camera, saving the settings in a removable, non-volatile memory of the digital camera using the file name identifiers where at least one of the settings comprises an image white balance setting, an image sharpness setting, a contrast setting and a colorfulness setting, and correcting pictures taken at the venues in subsequent visits to the venues, in the digital camera, with the saved settings contemporaneous with taking of the pictures at the venue. An illustrative embodiment of the digital camera is digital camera 12 of FIG. 1. An example of the assignment of file name identifiers to the settings is seen in steps 110, 116 and 120 of the flow diagram of FIG. 3. Such file name identifiers can be entered via a user interface such as image display 21 and user buttons 22 of the digital camera 12 as shown in FIG. 1. See the specification at page 7, lines 3-27.

Independent claim 27 is directed to a computer readable storage medium controlling a digital camera via a white balance setting and a file name corresponding to the white balance setting. The storage medium may be, for example, removable memory card 32 or white balance memory 36 of digital camera 12 in FIG. 1. See the specification at page 5, line 22, to page 6, line 2. The storage medium is configurable to store the white balance setting and one or more additional white balance settings as determined for different venues from images captured by the digital camera at the venues, each of the white balance settings being stored in a file having a file name which allows a user of the digital camera to correlate the file name with a corresponding one of the venues, wherein a particular one of the stored white balance settings is selectable from the plurality of stored white balance settings, for use in correcting one or more additional images captured by the digital camera, via a user interface of the digital camera. An example of these operations is seen in the flow diagram of FIG. 3. See the specification at page 7, line 3, to page 8, line 3.

Independent claim 28 is directed to a digital still camera that comprises, among other elements, a white balance determination processing unit determining a white balance correction value from a captured image of an initial visit to a venue, a memory storing the white balance correction value from the initial visit, and a white balance correction processing unit applying the white balance correction value to a captured image from a subsequent visit to the venue in order to produce a white balance corrected image. An example of the recited digital camera is digital camera 12 shown in FIG. 1, which includes white balance determination unit 34 and a white balance correction unit in processor 30. The claim further specifies that the white balance correction value is stored in a file having an identifier which allows a user of the digital camera to correlate the identifier with the venue, and that the memory is configurable to store the determined white balance correction value and at least one additional white balance correction value for another venue, the determined white balance correction value being selectable from the plurality of stored white balance correction values, for use in the white balance correction processing unit, via a user interface of the digital camera. Memories 32 or 36 of digital camera 12 store white balance settings in

association with file names associated with respective venues. See the specification at, for example, page 5, lines 22-29.

Independent claim 29 is also directed to a digital still camera. The camera includes, among other elements, a white balance determination processing unit determining white balance correction values from the captured images, a memory storing a plurality of the white balance correction values, a selector choosing one of the plurality of white balance correction values, and a white balance correction processing unit applying a selected one of the white balance correction values to a plurality of captured images producing white balance corrected images. The camera further comprises a user interface for naming the plurality of white balance correction values and for selecting from among a plurality of named white balance correction values. In an illustrative embodiment, digital camera 12 of FIG. 1 comprises white balance determination unit 34 and a white balance correction unit in processor 30. Memories 32 or 36 of digital camera 12 store white balance settings in association with file names associated with respective venues. See the specification at, for example, page 5, lines 22-29. The recited selector may comprise, for example, user buttons 22 operating in conjunction with image display 21 and camera control 24.

Independent claim 32 is directed to a digital still camera comprising, among other elements, a selector operable by a user in choosing one of a plurality of white balance correction values, and a white balance correction processing unit applying a selected one of the white balance correction values to a plurality of captured images producing white balance corrected images. The camera further includes a user interface for naming the plurality of white balance correction values and for selecting from among a plurality of named white balance correction values. Again, an illustrative embodiment can be seen in digital camera 12 of FIG. 1, which comprises a white balance correction unit in processor 30. The recited selector and user interface may comprise, for example, user buttons 22 operating in conjunction with image display 21 and camera control 24. See the specification at, for example, page 5, lines 22-29.

Grounds of Rejection to be Reviewed on Appeal

The following issues are presented for review by the Board of Patent Appeals and Interferences:

1. Claims 1, 3, 4, 6, 9, 12, 15-20, 27-30 and 32 are rejected under 35 U.S.C. §103(a) as being unpatentable over an article by Thorpe et al. entitled "The All-Digital Camcorder - The Arrival of Electronic Cinematography" (hereinafter "Thorpe") in view of U.S. Patent No. 5,691,772 to Suzuki (hereinafter "Suzuki").

2. Claims 2 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Thorpe in view of Suzuki and U.S. Patent No. 5,008,739 to D'Luna et al. (hereinafter "D'Luna").

3. Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Thorpe in view of Suzuki and U.S. Patent No. 6,201,530 (hereinafter "Thadani").

4. Claim 21 is rejected under 35 U.S.C. §103(a) as being unpatentable over Thorpe in view of D'Luna.

Arguments

1. §103(a) Rejection of Claims 1, 3, 4, 6, 9, 12, 15-20, 27-30 and 32

Claims 1, 6, 9 and 12

With regard to the §103(a) rejection of claims 1, 6, 9 and 12 over Thorpe and Suzuki, Appellant initially notes that a proper *prima facie* case of obviousness requires that the collective teachings of the proposed combination of references must teach or suggest all the claim limitations, and that there be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the reference teachings. See Manual of Patent Examining Procedure (MPEP), Eighth Edition, August 2001, §706.02(j).

Appellant submits that the Examiner has failed to establish a proper *prima facie* case of obviousness in the §103(a) rejection of 1, 6, 9 and 12 over Thorpe and Suzuki, in that these references collectively fail to teach or suggest all the claim limitations, and in that no cogent motivation has been identified for combining or modifying the reference teachings to reach the claimed invention.

As noted above, independent claim 1 is directed to a white balance picture correction process implemented in a digital camera having a processor, a memory and a user interface. The process includes the step of determining a white balance digital camera processing setting for a picture taking venue at a visit to the venue, saving the setting for the venue, and correcting pictures taken at a subsequent visit to the venue with the saved setting. In addition, the determining step further comprises capturing an image utilizing the digital camera and processing the captured image in the processor of the digital camera to determine the white balance setting. Also, the saving step further comprises storing the white balance setting in the memory of the digital camera in a file having an identifier which allows a user of the digital camera to correlate the identifier with the venue. The claim further specifies that the memory is configurable to store the determined white balance setting and at least one additional white balance setting for another picture taking venue, with the determined white balance setting being selectable from the plurality of stored white balance settings, for use in the correcting step, via the user interface of the digital camera.

Thus, in the invention as set forth in claim 1, white balance settings for respective picture taking venues are stored in the memory, using file identifiers which facilitate selection of a particular one of the stored white balance settings upon a return visit to the corresponding venue. It was indicated previously that one advantage of this approach is that white balance settings do not have to be recomputed each time a photographer visits a given venue. See the specification at, for example, page 5, lines 15-29.

The Examiner argues that the proposed combination of Thorpe and Suzuki meets each and every limitation of claim 1. Appellant respectfully disagrees.

The Thorpe reference at pages 22-23 and in FIG. 16b teaches that a given camera must utilize different plug-in set-up cards in order to support different "image looks." Thus, the Thorpe arrangement appears to expressly require that the photographer carry a separate plug-in card for each venue. This not only fails to meet the claim limitations, as the Examiner has acknowledged, but is a direct teaching away from the invention of claim 1. As noted above, claim 1 calls for storage of multiple white balance settings for different venues in respective files of a memory, such that a

given one of the stored settings can be easily retrieved from the memory using a file identifier.

The Examiner argues that the missing teachings required to meet the claim 1 limitations are found in Suzuki, and more particularly in the teachings at column 4, lines 57-65, of Suzuki. However, the control tables 108 described in that section do not comprise white balance settings for particular picture taking venues, as required by claim 1. Instead, these control tables 108 contain information which is used to provide white balance correction based on generic, non-venue-specific factors such as the "kind of light source used to illuminate the subject." See Suzuki at, for example, column 5, lines 9-30, and column 7, lines 31-40.

Also, Appellant notes that Suzuki does not appear to pre-store a white balance setting for any particular picture taking venue. To the contrary, Suzuki teaches that the white balance setting used to provide white balance correction for pictures taken at a given venue is recomputed upon each visit to the venue, based on the state of the white balance adjustment switch 120, the contents of the control tables 108, and actual color measurements from color measurement unit 130. See Suzuki at, for example, column 4, line 34, to column 5, line 8. This is made further apparent from, for example, FIG. 2 of Suzuki, and the corresponding text from column 3, line 62, to column 4, line 4:

> Referring now to FIG. 2, therein depicted is a blocked [sic] diagram of the general structure of the preferred embodiment of the present invention. In particular, a white balance adjustment unit 503 is shown to receive inputs from an imaging unit 501, an adjustment mode selection unit 502, and a color measurement unit 504. Based on the inputs from the aforementioned imaging unit 501, the adjustment mode selection unit 502, and color measurement unit 504, the white balance adjustment unit 503 is able to perform accurate and efficient white balance adjustment.

Thus, it is clear that in Suzuki there is no storage of white balance settings for particular venues as set forth in claim 1. In fact, since Suzuki teaches storage of control tables

108 which contain only information that is based on <u>generic, non-venue-specific factors</u>, that reference actively teaches away from the limitations of claim 1.

The Examiner further relies on the teachings in FIG. 4 of Suzuki which refer to gain read-out or gain determination for Fine Weather, Cloudy, Tungsten Lamp and Fluorescent Lamp. The Examiner apparently argues that these teachings somehow suggest stored white balance settings for respective picture taking venues as recited in claim 1. However, Suzuki makes clear that a particular one of these gain read-out or gain determination elements is selected using switches 122-125 which are "for the selection of the light source in a manual white balance adjustment mode." See Suzuki at column 5, lines 15-23, and column 6, lines 8-32. As indicated previously, these are not white balance settings for respective venues, but are instead generic, non-venue-specific factors that are used to recompute white balance settings upon each visit to a given picture taking venue or venues. This is apparent from, for example, column 2, line 62, to column 3, line 11, of Suzuki, which provides as follows with emphasis supplied:

These and other objects are achieved by the present invention in that a white balance adjustment device adapted for use in fluorescent lighting contexts is defined. The white balance adjustment device includes an imaging unit for forming an image of a subject and for outputting that image. Moreover, the white balance adjustment device includes an adjustment mode selection unit for selecting a white balance adjustment mode according to <u>the kind of light source</u> used to illuminate the subject. Further, the device has <u>a measurement unit for measuring color aspects of the light source used to illuminate the subject and for outputting a color value corresponding to the color aspects</u>. Finally, the device includes <u>a white balance adjustment unit for adjusting the white balance of the output of the imaging unit in accordance with the adjustment mode selected by the adjustment mode selection unit and in accordance with the color value measured by the measurement unit</u>.

It is clear from the foregoing that the output of the adjustment mode selection unit in Suzuki does not provide any ability to select a particular white balance setting previously determined for a particular venue. Instead, it simply provides one input to a white balance setting computation process that also utilizes a color value that must be measured upon each visit to a given venue. Thus, Suzuki teaches away from the claimed invention, and suffers from precisely the same problems that Appellant identified at page 1, line 19, to page 2, line 6, of the specification. The invention as set forth in claim 1 advantageously overcomes these problems of Suzuki and the other cited prior art.

It should be noted that the FIG. 4 arrangements in Suzuki that are relied upon by the Examiner are a type of "manual setting for different 'average' illuminants, such as daylight or tungsten," that Appellant described in the Background section of the specification at page 1, lines 20-21. Again, such manual settings do not constitute a white balance setting for a particular picture taking venue as determined at a visit to the venue.

Accordingly, the collective teachings of Thorpe and Suzuki fail to meet the limitations of independent claim 1.

Appellant further submits that the Examiner has not identified objective evidence of motivation to combine Thorpe and Suzuki or to modify their teachings to reach the limitations of claim 1.

As to motivation to combine Thorpe and Suzuki, the Examiner at page 4, first paragraph, of the January 11, 2006 Office Action argues that the combination would be obvious "in order to provide the user with only one memory card with several venues on it." Appellant respectfully submits that the proffered motivation is deficient at least in part because it is conclusory. That is, the statement apparently argues that the combination of Thorpe and Suzuki would be obvious because it would provide a feature of one embodiment of the claimed invention. Such a statement appears to indicate that the Examiner is using the teachings of the present application to demonstrate motivation for the proposed combination, which is clearly improper. As noted above, Suzuki does not teach or suggest the claimed storage of venue-specific white balance settings, and in fact teaches away from such an arrangement by teaching

the use of generic, non-venue-specific factors similar to the "manual settings for different 'average' illuminants" recited by Appellant at page 1, lines 20-21, of the specification. Thorpe also teaches away from the claimed invention, as indicated previously herein.

The Federal Circuit has stated that when patentability turns on the question of obviousness, the obviousness determination "must be based on objective evidence of record" and that "this precedent has been reinforced in myriad decisions, and cannot be dispensed with." In re Sang-Su Lee, 277 F.3d 1338, 1343 (Fed. Cir. 2002). Moreover, the Federal Circuit has stated that "conclusory statements" by an examiner fail to adequately address the factual question of motivation, which is material to patentability and cannot be resolved "on subjective belief and unknown authority." Id. at 1343-1344. There has been no showing in the §103(a) rejection of objective evidence of record that would motivate one skilled in the art to combine Thorpe and Suzuki to produce the particular limitations in question. Instead, the proposed combination appears to be based on a piecemeal reconstruction of the claimed invention, with the benefit of hindsight, rather than on any objective evidence of motivation. Accordingly, the §103(a) rejection of independent claim 1 is believed to be improper and should be withdrawn.

Dependent claims 6, 9 and 12 are believed allowable for at least the reasons identified above with regard to independent claim 1.

Claim 3

Dependent claim 3 further specifies that the saving step of the claim 1 process comprises assigning an identifier to the setting. The Examiner argues that this limitation is met by the teachings in Thorpe at page 24, column 2, lines 2-6. However, this portion of Thorpe simply refers to "an appropriately identified set-up card." The mere identification of a set-up card as disclosed in Thorpe does not teach or suggest the recited assignment of an identifier to one of a plurality of stored white balance settings for respective venues. Accordingly, it is believed that the proposed combination of Thorpe and Suzuki fails to meet the limitations of claim 3.

Claim 4

Dependent claim 4 further specifies that the assigned identifier of claim 3 comprises a file name. The Examiner argues that this limitation is met by the arrangement in FIG. 4 of Suzuki, stating that the file names must be used in order to allow manual user selections. However, Suzuki in FIG. 4 uses the various settings of different physical switches 122, 123, 124 and 125 to control manual selection of various generic, non-venue-specific options such as fine weather, cloudy, tungsten lamp, etc. See column 6, lines 8-32, of Suzuki. Thus, there is no assignment of file names in the Suzuki arrangement, and the proposed combination of Thorpe and Suzuki fails to meet the limitation in question.

Claims 15-20

As indicated above, independent claim 15 calls for storing an image processing setting in a memory of a digital camera in a file having an identifier which allows a user of the digital camera to correlate the identifier with a venue. The memory further stores at least one additional image processing setting for another picture taking venue, with a particular one of the image processing settings being selectable from the plurality of stored image processing settings, for use in correcting one or more additional captured images, via the user interface of the digital camera. For reasons similar to those described above with regard to independent claim 1, the collective teachings of Thorpe and Suzuki fail to teach or suggest storage of an image processing setting in a file having an identifier which allows a user to correlate the identifier with a particular venue.

The lack of objective evidence of motivation to combine Thorpe and Suzuki was addressed above in the context of independent claim 1.

Dependent claims 16-20 are believed allowable for at least the reasons identified above with regard to independent claim 15.

Claim 27

As mentioned previously, independent claim 27 recites a storage medium that is configurable to store a white balance setting and one or more additional white balance

settings as determined for different venues from images captured by a digital camera at the venues, with each of the white balance settings being stored in a file having a file name which allows a user of the digital camera to correlate the file name with a corresponding one of the venues. A particular one of the stored white balance settings is selectable from the plurality of stored white balance settings, for use in correcting one or more additional images captured by the digital camera, via a user interface of the digital camera. For reasons similar to those identified above with regard to independent claim 1, the proposed combination of Thorpe and Suzuki fails to teach or suggest the storage of white balance settings for different venues, and the selection of such stored settings via a user interface of a digital camera.

The lack of objective evidence of motivation to combine Thorpe and Suzuki was addressed above in the context of independent claim 1.

Claim 28

As noted previously, independent claim 28 specifies that a white balance correction value is stored in a file having an identifier which allows a user of the digital camera to correlate the identifier with the venue. The white balance correction value is stored in a memory with at least one additional white balance correction value for another venue, with the determined white balance correction value being selectable from the plurality of stored white balance correction values via a user interface of the digital camera. The collective teachings of Thorpe and Suzuki fail to teach or suggest the storage of white balance correction values for different venues using file names that allow correlation with the respective venues, and selection of a given such value via a user interface of a digital camera, for reasons similar to those described above with regard to independent claim 1.

The lack of objective evidence of motivation to combine Thorpe and Suzuki was also addressed above in the context of independent claim 1.

Claims 29 and 30

Independent claim 29 recites, among other limitations, a user interface which allows both naming of and selecting from white balance correction values. Appellant

submits that there is no teaching or suggestion in the proposed combination of Thorpe and Suzuki regarding a user interface which allows both naming of and selecting from white balance correction values, as recited.

The lack of objective evidence of motivation to combine Thorpe and Suzuki was addressed above in the context of independent claim 1.

Dependent claim 30 is believed allowable for at least the reasons identified above with regard to independent claim 29.

Claim 32

Independent claim 32 recites, among other limitations, a user interface which allows both naming of and selecting from white balance correction values. Appellant submits that there is no teaching or suggestion in the proposed combination of Thorpe and Suzuki regarding a user interface which allows both naming of and selecting from white balance correction values, as recited.

The lack of objective evidence of motivation to combine Thorpe and Suzuki was addressed above in the context of independent claim 1.

2. §103(a) Rejection of Claims 2 and 14

Dependent claims 2 and 14 are believed allowable for at least the reasons identified above with regard to independent claim 1.

With regard to the §103(a) rejection of dependent claims 2 and 14 over Thorpe and Suzuki in view of D'Luna, Appellant submits that the D'Luna reference fails to supplement the fundamental deficiencies of Thorpe and Suzuki as applied to independent claim 1. Accordingly, claims 2 and 14 are believed allowable over the proposed combination of Thorpe, Suzuki and D'Luna.

3. §103(a) Rejection of Claim 13

Dependent claim 13 is believed allowable for at least the reasons identified above with regard to independent claim 1.

With regard to the §103(a) rejection of dependent claim 13 over Thorpe and Suzuki in view of Thadani, Appellant submits that the Thadani reference fails to

supplement the fundamental deficiencies of Thorpe and Suzuki as applied to independent claim 1. Accordingly, claim 13 is believed allowable over the proposed combination of Thorpe, Suzuki and Thadani.

4. §103(a) Rejection of Claim 21

With regard to the §103(a) rejection of independent claim 21 over Thorpe in view of D'Luna, Appellant notes that the claim calls for assigning file name identifiers to different image processing settings via a user interface of a digital camera, and saving the settings in a removable non-volatile memory. The settings are determined for different picture taking venues using a reference card placed in a scene at the venues. The stored settings are used to correct pictures taken at subsequent visits to the venues.

As described above in the context of claim 1, Thorpe fails to teach or suggest an arrangement of this type, and in fact teaches away from it. The portion of the Thorpe reference relied upon by the Examiner in rejecting claim 21 is page 24, column 2, lines 2-6, but this portion simply refers to "an appropriately identified set-up card." The Examiner apparently argues that this relied-upon portion of Thorpe shows the recited assigning of file name identifiers to the settings via a user interface of the digital camera. However, the set-up card system of Thorpe does not involve such assignment of file name identifiers via a user interface of a digital camera. The D'Luna reference fails to supplement the fundamental deficiencies of Thorpe in this regard. The relied-upon portion of D'Luna, at column 5, lines 44-47, simply indicates that button 47 is depressed to initiate an automatic white balance operation while pointing optical section 10 at a white card.

The collective teachings of Thorpe and D'Luna therefore fail to teach or suggest the recited arrangement in which file name identifiers are assigned to different image processing settings via a user interface of a digital camera, and the settings are stored in a removable non-volatile memory, where the settings are determined for different picture taking venues and the stored settings are used to correct pictures taken at subsequent visits to the venues. Moreover, Thorpe and D'Luna fail to provide the above-noted advantages of the present invention in terms of facilitating the use of

previously-determined white balance settings upon subsequent visits to the same venues. Accordingly, claim 21 is believed allowable over the proposed combination of Thorpe and D'Luna.

Conclusion

For the above reasons, Appellant respectfully requests that the Board of Patent Appeals and Interferences reverse the rejection by the Examiner and mandate the allowance of claims 1-4, 6, 9, 12-21, 27-30 and 32.

Respectfully submitted,

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If the Examiner is unable to reach the Appellant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

Appendix I - Claims on Appeal

1. A white balance picture correction process implemented in a digital camera having a processor, a memory and a user interface, comprising the steps of:

determining a white balance digital camera processing setting for a picture taking venue at a visit to the venue;

saving the setting for the venue; and

correcting pictures taken at a subsequent visit to the venue with the saved setting;

the determining step further comprising capturing an image utilizing the digital camera and processing the captured image in the processor of the digital camera to determine the white balance setting;

the saving step further comprising storing the white balance setting in the memory of the digital camera in a file having an identifier which allows a user of the digital camera to correlate the identifier with the venue;

the memory being configurable to store the determined white balance setting and at least one additional white balance setting for another picture taking venue, the determined white balance setting being selectable from the plurality of stored white balance settings, for use in the correcting step, via the user interface of the digital camera.

2. A process as recited in claim 1, wherein said determining step uses a white balance reference card in a scene of the venue.

3. A process as recited in claim 1, wherein said saving step comprises assigning an identifier to the setting.

4. A process as recited in claim 3, wherein said identifier comprises a file name.

5. (Canceled)

6. A process as recited in claim 1, wherein said saving step comprises storing the setting in a removable, non-volatile memory.

7. (Canceled)

8. (Canceled)

9. A process as recited in claim 1, wherein said correcting step is performed contemporaneous with taking of the pictures at the venue.

10. (Canceled)

11. (Canceled)

12. A process as recited in claim 1, wherein said determined setting further comprises an image sharpness setting, a contrast setting and a colorfulness setting.

13. A process as recited in claim 1, wherein the setting further comprises a color correction matrix.

14. A process as recited in claim 1, wherein the determining step comprises determining the white balance digital camera processing setting for the picture taking venue at a visit thereto using a white balance reference card positioned in a venue scene.

15. A process implemented in a digital camera having a processor, a memory and a user interface, comprising the steps of:

determining an image processing setting for a picture taking venue; and

saving the setting for the venue;

the determining step further comprising capturing an image utilizing the digital camera and processing the captured image in the processor of the digital camera to determine the image processing setting;

the saving step further comprising storing the image processing setting in the memory of the digital camera in a file having an identifier which allows a user of the digital camera to correlate the identifier with the venue;

the memory being configurable to store the determined image

processing setting and at least one additional image processing setting for another

picture taking venue, a particular one of the image processing settings being selectable

from the plurality of stored image processing settings, for use in correcting one or more

additional captured images, via the user interface of the digital camera.

16. A process as recited in claim 15, wherein said setting comprises a

white balance setting.

17. A process as recited in claim 15, wherein said setting comprises an

image sharpness setting.

18. A process as recited in claim 15, wherein said setting comprises an

image contrast setting.

19. A process as recited in claim 15, wherein said setting comprises an

image colorfulness setting.

20. A process as recited in claim 15, wherein said setting comprises one

of an image white balance setting, an image sharpness setting, a contrast setting and a

colorfulness setting.

21. A process, comprising the steps of:

determining, in a digital camera, image processing settings for picture taking venues during initial visits to the venues using a reference card placed in a scene at the venues;

assigning file name identifiers to the settings via a user interface of the digital camera;

saving the settings in a removable, non-volatile memory of the digital camera using the file name identifiers where at least one of the settings comprises an image white balance setting, an image sharpness setting, a contrast setting and a colorfulness setting; and

correcting pictures taken at the venues in subsequent visits to the venues, in the digital camera, with the saved settings contemporaneous with taking of the pictures at the venue.

22-26. (Canceled)

27. A computer readable storage medium controlling a digital camera via a white balance setting and a file name corresponding to the white balance setting, the storage medium being configurable to store the white balance setting and one or more additional white balance settings as determined for different venues from images captured by the digital camera at the venues, each of the white balance settings being stored in a file having a file name which allows a user of the digital camera to correlate the file name with a corresponding one of the venues, wherein a particular one of the stored white balance settings is selectable from the plurality of stored white balance

settings, for use in correcting one or more additional images captured by the digital camera, via a user interface of the digital camera.

28. A digital still camera, comprising:

a sensor capturing images in an initial visit to a venue and a subsequent visit to the venue;

a lens for imaging light onto the sensor;

a white balance determination processing unit determining a white balance correction value from a captured image of the initial visit;

a memory storing the white balance correction value from the initial visit; and

a white balance correction processing unit applying the white balance correction value to the captured image of the subsequent visit producing a white balance corrected image;

wherein the white balance correction value is stored in a file having an identifier which allows a user of the digital camera to correlate the identifier with the venue;

the memory being configurable to store the determined white balance correction value and at least one additional white balance correction value for another venue, the determined white balance correction value being selectable from the plurality of stored white balance correction values, for use in the white balance correction processing unit, via a user interface of the digital camera.

29. A digital still camera, comprising:

a sensor capturing images;

a lens for imaging light onto the sensor;

a white balance determination processing unit determining white balance correction values from the captured images;

a memory storing a plurality of the white balance correction values;

a selector choosing one of the plurality of white balance correction values; and

a white balance correction processing unit applying a selected one of the white balance correction values to a plurality of captured images producing white balance corrected images;

wherein the camera comprises a user interface for naming the plurality of white balance correction values and for selecting from among a plurality of named white balance correction values.

30. A camera as recited in claim 29, wherein the memory comprises a non-volatile removable memory card that can be used to transfer correction values to other devices.

31. (Canceled)

32. A digital still camera, comprising:

a sensor capturing images;

a lens for imaging light onto the sensor;

a memory storing a plurality of white balance correction values;

a selector operable by a user in choosing one of the plurality of white balance correction values; and

a white balance correction processing unit applying a selected one of the white balance correction values to a plurality of captured images producing white balance corrected images;

wherein the camera comprises a user interface for naming the plurality of white balance correction values and for selecting from among a plurality of named white balance correction values.

<u>Appendix II - Evidence</u>

None

Appendix III – Related Proceedings

None